

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TOMMY RYAN GOUGE,

Defendant.

Case No. CR-20-064-RAW

**GOVERNMENT’S RESPONSE TO DEFENDANT’S MOTION TO EXTEND
SCHEDULING ORDER DEADLINES**

COMES NOW, the United States of America by and through Brian J. Kuester, United States Attorney and Benjamin P. Gifford, Assistant United States Attorney, and respectfully submits this Response to Defendant’s Motion to Extend Scheduling Order Deadlines. In support of this Response, the Government respectfully states as follows:

1. On October 7, 2020, counsel for the Government was respectfully asked by Defendant’s counsel whether the government would object to a request for a ninety (90) day continuance. Defendant’s counsel reasoned the need via e-mail, stating: “It’s a murder case, and he was arraigned only a couple of weeks ago. I haven’t had time to meet with him. I haven’t had enough time to absorb discovery, because it’s only been a few weeks.”
2. As a condition to not objecting, the Government asked that Defendant waive Speedy Trial during the requested period of continuance given that it would exceed the 70 day limitation.
3. Defendant’s counsel declined to waive speedy at that time, stating, “The government either objects or it does not without condition.”

4. The government then responded that we would have to object given there would be no waiver of Speedy Trial.
5. To be clear, the government does not seek to refute the reasoning stated in Defendant's Motion. For a determination as to its deficiency or sufficiency we respectfully defer to the authority of the Court. It is merely our concern that the Speedy Trial Act 18 U.S.C. § 3161(c)(1), which requires a trial to begin within 70 days of indictment or initial appearance (whichever occurs later), and entitles the defendant to dismissal of the charges if that deadline is not met, be waived.

CONCLUSION

Based on the foregoing reasons, the Government respectfully requests the Court deny defense counsel's Motion to Extend Scheduling Order Deadlines, unless and until the Speedy Trial Act is waived by Defendant.

Respectfully submitted,

BRIAN J. KUESTER
United States Attorney

s/ Benjamin P. Gifford
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CERTIFICATE OF SERVICE

I certify that on October 8, 2020, I electronically transmitted the foregoing to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants: Robert S. Williams, Attorney for Tommy Ryan Gouge

BENJAMIN P. GIFFORD
United States Attorney's Office